
Public Notice

Applicant:
Sally M. Yeager

Date:
Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 87-475-18(0) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Ms. Sally M. Yeager, 4805 Springbrook Drive, Toledo, Ohio, 43615, has requested a Department of the Army Permit to construct two armor stone groins, two steel crib piers, and a sheet pile retaining wall along the shoreline of Lake Erie, located at 1002 Lake Shore Drive, Kelleys Island, Erie County, Ohio.

The project consists of the following:

a. The installation of 120 lineal feet of steel sheet piling on the lakeward side of an existing timber crib pier. The new piling will be connected to this existing structure on the ends and will be backfilled with stone with approximately 50 cubic yards being placed below the ordinary high water level (573.4 feet International Great Lakes Datum (IGLD) 1985.

b. Two steel crib piers will extend lakeward from this piling, each for a distance of 30 lineal feet with a width of six feet. These piers will each consist of three 10-foot steel cribs filled with 1-2 ton stone. The top of each pier will be capped with a concrete slab and will have treated timber staving which will extend 3.5 feet above the surface of the pier. For each pier, approximately 38 cubic yards of material will be placed below the ordinary high water level.

c. Two armor stone groins will be constructed from the existing timber crib pier and will have a combined length of 325 lineal feet. The groins will have a basal width of 50 feet and a top width of five feet. The lakeward slope of the groin will be 2H:1V while the inner slope will be 3H:2V. The center of the groin will consist of ODOT Type B stone which will be covered by an armor layer of 4-6 ton stone. A total of approximately 3,640 cubic yards of stone will be placed below the ordinary high water level for these groins.

The applicant's stated purpose for this project is to allow for safe mooring of watercraft, safe access to Lake Erie, and to provide protection to upland property.

Authorization is also required for incidental discharges of material which will result from the use of machinery to perform the proposed work. Location and amounts of the discharges is indefinable, but will occur primarily within the project area.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Martin P. Wargo, who can be contacted by calling (716) 879-4116, or by e-mail at: Martin.P.Wargo@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Don Povolny or Ms. Kim Baker
Ohio Department of Natural Resources
Division of Real Estate and Land Management
Resource Management Section
1952 Belcher Drive, Building C-4
Columbus, Ohio 43224-1386
Telephone (614) 265-6411
FAX (614) 267-4764
e-mail: kim.baker@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

The project in question is located on Kelley's Island, Erie County, Ohio. All of Kelley's Island is listed on the National Register of Historic Places.

In addition, available evidence indicates that the proposed work may affect the Lake Erie Water Snake, Nerodia sipedon insularum, proposed by the U.S. Department of the Interior as threatened. This project may affect the critical habitat of this species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Martin P. Wargo, or by e-mail at: Martin.P.Wargo@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the

Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.